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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
AT DETROIT

ERVIN B. SMITH, Pro Se  
Petitioner,

vs.

Case No. 0645 2:15CR203  
94(3)

UNITED STATES OF AMERICA,  
Respondent.

MOTION TO REDUCE SENTENCE  
PURSUANT TO 18 USC SECTION 3582  
(c)(1)(A)(i) COMPASSIONATE RELEASE

COMES NOW the Petitioner, Ervin B. Smith, Pro Se, a black man with Type 2 Diabetes Mellitus, Hypoglycemia, Hyperlipidemia, Hypertension, Gastroesophageal reflux disease, Dysphagia, Conjunctivitis and Presbyopia, who has been in custody since June 15, 2015, has served more than 60% of his statutory term sentence, and is held in FCI Beckley, files this motion for compassionate release under 18 U.S.C. § 3582 (c)(1)(A)(i) and in support states:

## I. Background

On November 20, 2017, Mr. Smith was sentenced to 120 MONTHS in Federal prison for a violation of 21 U.S.C. Sections 841 (B)(1)(B) and 846, Conspiracy to Distribute Controlled Substance and Possession With Intent to Distribute Heroin. Mr. Smith has been in continuous custody since June 15, 2015 and has a projected release date of December 21, 2022. He is eligible for home detention on June 21, 2022. Mr. Smith has a host of serious medical conditions as stated previously herein. See BOP Medical Records at Exhibit 2. He is currently housed at FCI Beckley. Unfortunately, there have been a moderate number of inmates and BOP staff who have tested positive for the dangerous and life-threatening COVID-19 virus. Notably, FCI Beckley entire inmate population has been on compound "lockdown" since October 14, 2020 as a direct consequence of BOP staff releasing a number of inmates onto the housing units from the "quarantine" unit without first ensuring these inmates were free of the COVID-19 virus. Thus, the BOP staff at FCI Beckley has recklessly and imprudently put the lives of over 1,400 inmates and 300 BOP staff at risk of becoming infected with the COVID-19 virus.

The Warden, D. L. Young, has written that "the

the BOP is taking extraordinary measures to decrease the risks of contracting and spreading the COVID-19 virus.' Moreover, there is no significant testing for COVID-19 taking place at FCI Beckley. The BOP website reflects that as of August 17, 2020 there have been 119 completed and 7 pending COVID-19 tests at FCI Beckley. Unfortunately, these numbers do not reflect widespread testing of the approximately 1,476 inmates and unknown number of staff at FCI Beckley so the number of "infected" inmates at FCI Beckley is currently unknown.

## II. Statutory Framework and Sentence Reduction Authority

Section 3582(c)(1)(A)(i) of Title 18 of the United States Code authorizes a sentencing court to reduce an otherwise final term of imprisonment if the court finds "extraordinary and compelling reasons warrant such a reduction... and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

Previously, a defendant was only eligible for such release upon a motion by the Director of the Bureau of Prisons; however, the amended statute allows for defense motions provided the defendant has exhausted his or her administrative remedies by first requesting that the BOP

pursue compassionate release. The amendment is rooted in the "documented infrequency with which the BOP filed motions for a sentence reduction on behalf of defendants." *United States v. Redd*, No. 1:19-cr-00006, 2020 WL 1248493, at \*7 (E.D. Va. Mar. 16, 2020).

III. Mr. Smith's vulnerability to COVID-19 is an extraordinary and compelling reason for a sentence reduction and such a reduction follows applicable policy statements

### 1. Policy Statements

Section 1B1.13 of the Sentencing Guidelines Manual sets forth the criteria that a court should use to evaluate whether a sentence reduction is appropriate. This section provides that a reduction is appropriate if the court determines that —

(1)(A) Extraordinary and compelling reasons warrant the reduction; or (B) The defendant (i) is at least 70 years old; and (ii) has served at least 30 years in prison pursuant to a sentence imposed under 18 U.S.C. § 3559 (c) for the offense or offenses for which the defendant is imprisoned;

(2) The defendant is not a danger to the

safety of any other person or to the community, as provided in 18 USC § 3142 (g); and

(3) The reduction is consistent with this policy statement.

U.S.S.G. § 1B1.13

Though the compassionate release statute does not expressly define or limit what constitutes an "extraordinary and compelling" reason(s) for a sentence reduction, the present global pandemic, which has spread through BOP facilities endangering prisoners and staff alike, is an extraordinary circumstance beyond what most Americans have experienced. This pandemic combined with Mr. Smith's increased vulnerability should he contract the disease is extraordinary and compelling.

## 2. COVID-19 PANDEMIC

By any measure, the present global pandemic, which has spread through BOP facilities like wildfire endangering prisoners and staff alike, is an extraordinary circumstance beyond what most American have experienced. IN courts around the country, prosecutors have

argued that inmates are safely quarantined in jails and prisons. Despite officials' best intent and efforts, prisons are unequipped to control coronavirus. The most recently available data reflect that as of October 24, 2020, more than 12,000 BOP inmates are currently infected, if not more, or have recovered from COVID-19 (up from about 5,000 as of June 1, 2020), almost 1,400 BOP staff members are currently infected or have recovered (up from about 600 as of June 1, 2020), and there have been 120 deaths (up from 67 as of June 1, 2020). See <https://bop.gov/coronavirus/>. There are currently confirmed active cases at 112 BOP facilities and 50 Residential Reentry Centers. Clearly, the spread is not controlled.

As previously stated herein, Mr. Smith is currently held at FCI Beckley in Beaver, West Virginia. FCI Beckley has only tested a small handful of the more than 1,400 prisoners held there. In a recent compassionate release grant of an inmate at nearby FPC Alderson, United States District Court Judge Raymond Jackson in the Eastern District of Virginia noted that "[w]hile there are not cases specifically reported at FPC Alderson, statistics about the number of infections in BOP facilities may not be accurate given the lack of testing. See United States v. BENN, No. 2:17-cr-00030-RAJ-DEM, ECF No. 122 (E.D. Va. May 26, 2020) (citing United States v.



Esparza, No. 1:07-cr-00294-BLW, 2020 WL 1696084, at \*1 (D. Idaho, April 7, 2020). Judge Jackson also noted that "the Court need not wait until an outbreak occurs to determine whether to release Petitioner, especially where, Petitioner suffers from underlying health conditions that may become final if he contracts COVID-19." Id. Further, FCI Beckley is located in West Virginia, a state showing a clear upward trajectory for COVID-19 cases over the last month and a half. Much to the chagrin of Petitioner Smith, BOP staff at FCI Beckley are unquestionably liable and responsible for the spread of COVID-19 inside FCI Beckley.

The risk to Mr. Smith posed by the coronavirus provides a compelling reason for his release. Mr. Smith is at a heightened risk for serious illness from COVID-19 because of his hypertension, Type 2 Diabetes, Hypoglycemia, Hyperlipidemia, Gastro-esophageal reflux, Dysphagia, and race.

### a. Health

The CDC lists hypertension as an underlying condition that may increase the risk of severe illness from COVID-19. Though the scientific studies are mixed on whether hypertension in fact places individuals at a greater risk from COVID-19 by itself, the studies do seem

to be clear that there are higher morbidity and mortality rates among patients—like Mr. Smith—with multiple conditions such as the ones stated herein, particularly hypertension and Type 2 Diabetes Mellitus. Current statistics show and available from the CDC document that among patients who have been hospitalized due to severe coronavirus complications, hypertension was an underlying condition in more than 50% of the cases. So, the risks to Mr. Smith are acute.

Finally, the combination of Mr. Smith's underlying health conditions along with his incarceration compounds the risk COVID-19 poses to him, placing him in "particularly grave danger." United States v. N'Kanga N'Kanga, No. 18-cr-713 (JMF), 2020 WL 1529535, at \*1 (S.D.N.Y. Mar. 31, 2020). Not only is Mr. Smith at a higher risk of serious complications if he contracts COVID-19 due to his hypertension, Type 2 Diabetes Mellitus and other health issues, he is also at a higher risk of contracting COVID-19 in the first place due to his incarceration. Numerous courts have recognized that "[i]ndividuals in carceral settings are at a 'significantly higher' risk of spreading infectious diseases." See Soronel v. Decker, No. 20-cv-2472 (AJN), 2020 WL 1487274, at \*3 (S.D.N.Y. Mar. 27, 2020); accord United States v. Davis, 2020 WL 1529158, \*4 (D. Md. Mar. 30, 2020) ("The inability to practice social distancing in jails



Makes 'transmission of COVID-19 more likely.'"); United States v. Harris, 2020 WL 1482342, at \*1 (D.D.C. Mar. 26, 2020) ("The risk of the spread of the virus in the jail is palpable...."); Basank v. Decker, No. 20-cv-2518 (AT), 2020 WL 1481503, at \*5 (S.D.N.Y. Mar. 26, 2020) ("The risk of contracting COVID-19 in tightly-confined spaces, especially jails, is now exceedingly obvious."); United States v. Ramos, 2020 WL 1478304, at \*1 (D. Mass. Mar. 26, 2020) ("[I]t is not possible for a medically vulnerable inmate... to isolate himself in [an] institutional setting as recommended by the CDC....").

## b. Race and Gender

The CDC has recognized that "there is increasing evidence that some racial and ethnic minority groups are being disproportionately affected by COVID-19." Among COVID-19 deaths for which race and ethnicity data were available, the COVID tracking project has identified death rates among Black/African American persons (81 deaths per 100,000 population) and Hispanic/Latino persons (47) that were substantially higher than that of white (33) or Asians (34) persons. See <https://covidtracking.com/race>. Thus, Mr. Smith has a higher risk for severe illness should he contract COVID-19 simply based on his race.

Just as people of color seem to have a heightened risk of serious complications due to COVID-19, so too does Mr. Smith's gender appear to put him at greater risk to serious complications. A recent preliminary study investigating the role of gender in morbidity and mortality in patients with COVID-19, found that men with COVID-19 are more at risk for worse outcomes and death, independent of age.

The Time Magazine article also cited the following: February data from the Chinese Center for Disease Control found that the fatality rate for men at 2.8% -- more than one percentage point higher than for women at 1.7%; an April 22, 2020 published in JAMA found that 60% of the 5,700 hospitalized COVID-19 patients in the New York City area were men; and an April 29, 2020 paper on a medical research site which reviewed 14,000 COVID-19 patients from multiple countries found that men were at a higher risk for coronavirus-related hospitalization, ventilation, and death, even after adjusting for underlying health conditions. Id

4. Mr. Smith is not a danger to the community

Mr. Smith poses little threat to the public.

As Mr. Smith noted in his prose filing, he has had insignificant trouble with BOP staff or inmates during his imprisonment. Mr. Smith has strong family support and plans to live with his father, Timothy Robinson.

VI. Courts responding to the COVID-19 pandemic have granted compassionate release based on defendants' heightened vulnerability to COVID-19, combined with other individualized circumstances.

As noted above, many courts have found that the heightened risk someone like Mr. Smith faces from COVID-19 is enough to meet the high bar of qualifying as "extraordinary and compelling reasons" to justify compassionate release. And there is an inherent risk of contracting COVID-19 by the "very nature of the prison environment" even when there are not yet any confirmed cases at a facility. United States v. Jackson, ECF No. 1528, No. 5:02-cr-30020 (Urbanski, J.) (May 26, 2020).

In the instant case, they only need to meet the much lower bar of being a relevant § 3553 sentencing factor supporting a reduction in this Court's discretion. Courts assessing compassionate release motions, given the coronavirus pandemic have recognized that

heightened COVID-19 vulnerability, combined with case specific circumstances, can present extraordinary and compelling reasons to grant sentence reductions. In United States v. Colvin, for example, the Court found that the defendant's diabetes constituted a "serious... medical condition, which substantially increased the risk of severe illness if she contracts COVID-19." No. 3:19 CR179, 2020 WL 1613943, at \*4 (D. Conn. April 2, 2020). The court further concluded that the defendant "was unable to provide self care" in the custodial environment, given the pandemic because "she is unable to practice effective social distancing and hygiene to minimize her risk of exposure."

Similarly, in United States v. Muniz, the court granted compassionate release to a defendant who had "been diagnosed with serious medical conditions that, according to reports from the Center for Disease Control, make him particularly vulnerable to severe illness from COVID-19," including end renal stage disease, diabetes, and arterial hypertension. No. 4:09 CR199, 2020 WL 1540325 (S.D. Texas, Mar. 30, 2020). The court noted the "measures taken by the Federal Bureau of Prisons" to protect inmates, but nevertheless found the risk of outbreak to warrant release: "Because Defendant is at high-risk for severe illness from COVID-19 and because inmates in detention

facilities are particularly vulnerable to infection, the Court finds the Defendant has demonstrated an extraordinary and compelling reason for compassionate release."

Finally, in another compassionate release grant to an FPC Alderson inmate, United States v. Brantley, the court granted compassionate to a defendant given her "heart condition and the rapid spread and lethality of COVID-19." No. 1:16CR00144, Dkt. No. 158, at \*2, (D.D.C. June 18, 2020). The court noted that "in sentencing Brantley, the court did not intend for her sentence to 'include a great and unforeseen risk of severe illness or death brought on by a global pandemic.'" Id. (citing United States v. Zukerman, No. 116, at 11 (S.D.N.Y. Apr. 3, 2020). Mr. Smith's serious underlying conditions are similarly compelling.

## CONCLUSION

For the foregoing reasons, Mr. Smith respectfully requests this Court enter an order reducing his sentence to time served. He has a plan to live with his father, Timothy Robinson, in Detroit, Michigan. Mr. Smith has out over half of his sentence and is a high risk for COVID-19 complications. All of the circumstances of Mr. Smith's case support his request for compassionate release

and reduction of his sentence to time served, with or without a special condition of home confinement.

Done this 27<sup>TH</sup> day of October, 2020.

Respectfully submitted,



ERVIN B. SMITH

PRO SE

REG. NO. 30358-039

P.O. BOX 350 PAUL

F.C.I. BECKLEY

BEAVER, WV 25813

PLEASE FORWARD COPIES BACK THANK YOU.



# **EXHIBIT 1**

BECCM 540*23 *	SENTENCE MONITORING	*	10-28-2020
PAGE 001 *	COMPUTATION DATA	*	12:39:53
	AS OF 10-28-2020		

REGNO...: 30358-039 NAME: SMITH, ERVIN BERONCO

FBI NO.....: 502059NA9	DATE OF BIRTH: 02-03-1973	AGE: 47
ARS1.....: BEC/A-DES		
UNIT.....: PINE	QUARTERS.....: P03-317L	
DETAINERS.....: NO	NOTIFICATIONS: NO	

HOME DETENTION ELIGIBILITY DATE: 06-21-2022

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 12-21-2022 VIA 3621E COND

-----CURRENT JUDGMENT/WARRANT NO: 020 -----

COURT OF JURISDICTION.....: MICHIGAN, EASTERN DISTRICT  
DOCKET NUMBER.....: 0645 2:15CR20394 (3)  
JUDGE.....: TARNOW  
DATE SENTENCED/PROBATION IMPOSED: 11-20-2017  
DATE COMMITTED.....: 02-01-2018  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$200.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 391 21:846 SEC 841-851 ATTEMPT  
OFF/CHG: 21 841(B)(1)(B) AND 846, CONSPIRACY TO DISTRIBUTE CONTROLLED  
SUBSTANCE CT 1.21 841(B)(1)(B) 841(A)(1), POSSESSION WITH  
INTENT TO DISTRIBUTE HEROIN CT 2.

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 120 MONTHS  
TERM OF SUPERVISION.....: 96 MONTHS  
DATE OF OFFENSE.....: 06-13-2015

G0002 MORE PAGES TO FOLLOW . . .

BECCM 540*23 *	SENTENCE MONITORING	*	10-28-2020
PAGE 002 *	COMPUTATION DATA	*	12:39:53
	AS OF 10-28-2020		

REGNO...: 30358-039 NAME: SMITH, ERVIN BERONCO

-----CURRENT COMPUTATION NO: 020 -----

COMPUTATION 020 WAS LAST UPDATED ON 08-04-2020 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 01-02-2018 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 020: 020 010

DATE COMPUTATION BEGAN.....: 11-20-2017  
TOTAL TERM IN EFFECT.....: 120 MONTHS  
TOTAL TERM IN EFFECT CONVERTED...: 10 YEARS  
EARLIEST DATE OF OFFENSE.....: 06-13-2015

JAIL CREDIT.....:	FROM DATE	THRU DATE
	06-15-2015	11-19-2017

TOTAL PRIOR CREDIT TIME.....: 889  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 540  
TOTAL GCT EARNED.....: 270  
STATUTORY RELEASE DATE PROJECTED: 12-21-2023  
ELDERLY OFFENDER TWO THIRDS DATE: 02-12-2022  
EXPIRATION FULL TERM DATE.....: 06-13-2025  
TIME SERVED.....: 5 YEARS      4 MONTHS      14 DAYS  
PERCENTAGE OF FULL TERM SERVED...: 53.7  
PERCENT OF STATUTORY TERM SERVED: 63.0

3621E COMPLETE RESIDENT PROGRAM..: 10-02-2020  
3621E COMPLETE COMMUNITY PROGRAM: /  
3621E RELEASE DATE.....: 12-21-2022

G0002      MORE PAGES TO FOLLOW . . .

BECCM 540*23 *	SENTENCE MONITORING	*	10-28-2020
PAGE 003 OF 003 *	COMPUTATION DATA	*	12:39:53
	AS OF 10-28-2020		

REGNO...: 30358-039 NAME: SMITH, ERVIN BERONCO

PROJECTED SATISFACTION DATE.....: 12-21-2022

PROJECTED SATISFACTION METHOD....: 3621E COND

REMARKS.....: 8-15-19 UPDTD 764 R/SDS.05-12-20 UPDT 764 R/KNM.8-4-20 UPDT  
764 R/LLA.

G0000 TRANSACTION SUCCESSFULLY COMPLETED

## **EXHIBIT 2**

# **Bureau of Prisons Health Services Health Problems**

Reg #: 30358-039

Inmate Name: SMITH, ERVIN BERONCO

<u>Description</u>	<u>Axis</u>	<u>Code Type</u>	<u>Code</u>	<u>Diag. Date</u>	<u>Status</u>	<u>Status Date</u>
<b>Current</b>						
Dermatophytosis [tinea, ringworm]		ICD-10	B359	05/08/2019	Current	
05/08/2019 08:27 EST Goode, Amy PA-C						
Type 2 diabetes mellitus						
10/03/2019 11:46 EST Carpenter, D. Scott		ICD-10	E119	03/26/2018	Current	
without retinopathy; monitor every 1 year with DFE.						
03/26/2018 08:40 EST Asp, Eric PA-C		ICD-10	E119	03/26/2018	Current	
Hypoglycemia						
06/11/2020 10:28 EST Hodovan, Adam FNP		ICD-10	E162	06/11/2020	Current	
Hyperlipidemia, unspecified						
09/17/2018 14:46 EST Walt, Michael J. D.O Clinical Director		ICD-10	E785	05/22/2018	Current	
ascvd 8.5% July 2018, on 40mg Lipitor						
05/22/2018 06:35 EST Miller, Diane PA-C		ICD-10	E785	05/22/2018	Current	
Alcohol Use Disorder: Moderate						
02/27/2019 13:20 EST Weaver, Jason PsyD	I	DSM-IV	F10.	02/27/2019	Current	
Opioid Use Disorder: Moderate						
02/27/2019 13:20 EST Weaver, Jason PsyD	I	DSM-IV	F11.	02/27/2019	Current	
Conjunctivitis						
02/20/2020 14:58 EST Carpenter, D. Scott		ICD-10	H109	02/04/2020	Current	
Infectious, marginal corneal ulcer, left eye: start ofloxacin qid, 1% prednisolone acetate qid, and maxitrol ointment bid for 1 week.						
02/04/2020 07:19 EST Hutchison, David PA-C		ICD-10	H109	02/04/2020	Current	
Presbyopia						
10/03/2019 11:46 EST Carpenter, D. Scott		ICD-10	H524	09/17/2018	Current	
bifocal Rx issued with mild tint.						
09/17/2018 10:51 EST Weyand, James OD		ICD-10	H524	09/17/2018	Current	
Essential (primary) hypertension						
06/24/2020 12:17 EST Hodovan, Adam FNP		ICD-10	I10	06/24/2020	Current	
Dental caries on pit and fissure surfc penetrat into dentin						



Reg #: 30358-039 Inmate Name: SMITH, ERVIN BERONCO

<u>Description</u>	<u>Axis</u>	<u>Code Type</u>	<u>Code</u>	<u>Diag. Date</u>	<u>Status</u>	<u>Status Date</u>
12/17/2019 09:53 EST Dillon, William DDS		ICD-10	K0252	12/17/2019	Current	
Dental caries						
08/12/2016 12:07 EST Rosario, Aurelio MLP		ICD-10	K029	08/12/2016	Current	
Periodontal disease, unspecified						
10/03/2019 12:37 EST Dillon, William DDS		ICD-10	K056	10/03/2019	Current	
Periodontal disease, unspecified						
05/08/2019 15:39 EST Dillon, William DDS		ICD-10	K056	05/08/2019	Current	
Disorder of teeth and supporting structures, unspecified						
08/15/2019 11:13 EST Moye, Daniel DDS		ICD-10	K089	08/15/2019	Current	
Disorder of teeth and supporting structures, unspecified						
06/10/2019 10:17 EST Moye, Daniel DDS		ICD-10	K089	06/10/2019	Current	
Disorder of teeth and supporting structures, unspecified						
06/05/2019 09:39 EST Moye, Daniel DDS		ICD-10	K089	06/05/2019	Current	
Cheek and lip biting						
12/23/2019 14:38 EST Dillon, William DDS		ICD-10	K131	12/23/2019	Current	
Gastro-esophageal reflux disease without esophagitis						
08/06/2019 09:01 EST Goode, Amy PA-C		ICD-10	K219	08/06/2019	Current	
Constipation, unspecified						
08/06/2019 09:01 EST Goode, Amy PA-C		ICD-10	K5900	08/06/2019	Current	
Heartburn						
03/14/2019 08:17 EST Goode, Amy PA-C		ICD-10	R12	03/14/2019	Current	
Dysphagia, unspecified						
09/13/2019 09:40 EST Goode, Amy PA-C		ICD-10	R1310	09/13/2019	Current	
Pain, unspecified						
01/16/2018 06:56 EST Kaiser, Kenneth PA-C		ICD-10	R52	01/16/2018	Current	
toothache						
Abnormal results of function studies of organs and systems						
09/13/2019 09:30 EST Goode, Amy PA-C		ICD-10	R948	09/13/2019	Current	
Elevated liver enzymes						
Encounter for general adult medical exam without abnormal findings						

Reg #: 30358-039 Inmate Name: SMITH, ERVIN BERONCO

<u>Description</u>	<u>Axis</u>	<u>Code Type</u>	<u>Code</u>	<u>Diag. Date</u>	<u>Status</u>	<u>Status Date</u>
06/12/2018 09:26 EST Asp, Eric PA-C on call out, but no reason		ICD-10	Z0000	06/12/2018	Current	
Encounter for screening for dental disorders						
10/05/2017 15:00 EST Daniels, Jimmy DDS/CDO		ICD-10	Z1384	10/05/2017	Current	
Patient's noncompliance with other medical treatment and regimen						
06/11/2019 12:38 EST Goode, Amy PA-C		ICD-10	Z9119	06/11/2019	Current	
<b>Remission</b>						
Tinea pedis						
11/07/2018 11:10 EST Asp, Eric PA-C		ICD-10	B353	08/27/2018	Remission	11/07/2018
08/27/2018 08:50 EST VanHorn, Nicolette PA-C		ICD-10	B353	08/27/2018	Current	
<b>Resolved</b>						
Dental caries						
09/13/2018 12:23 EST McGraw, Linsey DMD #18		ICD-10	K029	09/13/2018	Resolved	09/13/2018
Follicular disorder, unspecified						
09/15/2020 13:15 EST Hodovan, Adam FNP		ICD-10	L739	09/15/2020	Resolved	09/15/2020
<b>Total: 29</b>						

**Bureau of Prisons  
Health Services  
Medication Summary  
Historical**

Complex: BEC--BECKLEY FCI	Begin Date: 09/23/2019	End Date: 09/23/2020
Inmate: SMITH, ERVIN BERONCO	Reg #: 30358-039	Quarter: A01-118U

**Medications listed reflect prescribed medications from the begin date to end date on this report.**

**Allergies:** Denied

**Active Prescriptions**

Acetaminophen 325 MG Tab UD

DENTAL STOCK - Take one tablet (325MG) by mouth four times daily AS NEEDED

**Rx#:** 221783-BEC **Doctor:** Dillon, William DDS

**Start:** 12/27/19 **Exp:** 12/30/19

**Pharmacy Dispensings:** 10 TAB in 271 days

Acetaminophen 325 MG Tab

Take one tablet (325 MG) by mouth four times daily AS NEEDED for 5 days

**Rx#:** 224284-BEC **Doctor:** Dillon, William DDS

**Start:** 12/17/19 **Exp:** 12/22/19

**Pharmacy Dispensings:** 20 TAB in 281 days

Aspirin 81 MG Tab Chewable

Take one tablet (81 MG) by mouth each day

**Rx#:** 217668-BEC **Doctor:** McLain, Dominick DO, CD

**Start:** 06/12/19 **Exp:** 12/09/19 **D/C:** 10/09/19

**Pharmacy Dispensings:** 30 TAB in 469 days

Aspirin 81 MG Tab Chewable

Take one tablet (81 MG) by mouth each day

**Rx#:** 222184-BEC **Doctor:** McLain, Dominick DO, CD

**Start:** 10/09/19 **Exp:** 04/06/20 **D/C:** 12/31/19

**Pharmacy Dispensings:** 60 TAB in 350 days

Aspirin 81 MG Tab Chewable

Take one tablet (81 MG) by mouth each day

**Rx#:** 224604-BEC **Doctor:** McLain, Dominick DO, CD

**Start:** 12/31/19 **Exp:** 06/28/20 **D/C:** 05/27/20

**Pharmacy Dispensings:** 150 TAB in 267 days

Aspirin 81 MG Tab Chewable

Take one tablet (81 MG) by mouth each day

**Rx#:** 229637-BEC **Doctor:** Edwards, Roger DO

**Start:** 05/27/20 **Exp:** 11/23/20 **D/C:** 06/25/20

**Pharmacy Dispensings:** 0 TAB in 119 days

Aspirin 81 MG Tab Chewable

Take one tablet (81 MG) by mouth each day

**Rx#:** 230692-BEC **Doctor:** Hodovan, Adam FNP

**Start:** 06/25/20 **Exp:** 12/22/20 **D/C:** 07/01/20

**Pharmacy Dispensings:** 90 TAB in 90 days

Complex: BEC--BECKLEY FCI	Begin Date: 09/23/2019	End Date: 09/23/2020
Inmate: SMITH, ERVIN BERONCO	Reg #: 30358-039	Quarter: A01-118U

**Active Prescriptions**

Aspirin 81 MG Tab Chewable

Take one tablet (81 MG) by mouth each day

**Rx#:** 230923-BEC **Doctor:** Hodovan, Adam FNP**Start:** 07/01/20 **Exp:** 12/28/20**Pharmacy Dispensings:** 0 TAB in 84 days

Atorvastatin 20 MG TAB

Take two tablets (40 MG) by mouth at bedtime

**Rx#:** 217669-BEC **Doctor:** McLain, Dominick DO, CD**Start:** 06/12/19 **Exp:** 12/09/19 **D/C:** 10/09/19**Pharmacy Dispensings:** 60 tab in 469 days

Atorvastatin 40 MG TAB

\*NOTE DOSE\* Take one tablet (40 MG) by mouth at bedtime

**Rx#:** 222185-BEC **Doctor:** McLain, Dominick DO, CD**Start:** 10/09/19 **Exp:** 04/06/20 **D/C:** 12/31/19**Pharmacy Dispensings:** 60 tab in 350 days

Atorvastatin 40 MG TAB

Take one tablet (40 MG) by mouth at bedtime

**Rx#:** 224605-BEC **Doctor:** McLain, Dominick DO, CD**Start:** 12/31/19 **Exp:** 06/28/20 **D/C:** 05/27/20**Pharmacy Dispensings:** 120 tab in 267 days

Atorvastatin 40 MG TAB

Take one tablet (40 MG) by mouth at bedtime

**Rx#:** 229638-BEC **Doctor:** Edwards, Roger DO**Start:** 05/27/20 **Exp:** 11/23/20 **D/C:** 06/25/20**Pharmacy Dispensings:** 90 tab in 119 days

Atorvastatin 40 MG TAB

Take one tablet (40 MG) by mouth every night at bedtime

**Rx#:** 230693-BEC **Doctor:** Hodovan, Adam FNP**Start:** 06/25/20 **Exp:** 12/22/20 **D/C:** 07/01/20**Pharmacy Dispensings:** 0 tab in 90 days

Atorvastatin 40 MG TAB

Take one tablet (40 MG) by mouth every night at bedtime

**Rx#:** 230924-BEC **Doctor:** Hodovan, Adam FNP**Start:** 07/01/20 **Exp:** 12/28/20**Pharmacy Dispensings:** 0 tab in 84 days

Chlorhexidine Gluc Oral Soln 0.12% (Non-Alcohol)

Swish 15ml by mouth for 30 seconds then spit out - Use two times a day for 14 days

**Rx#:** 222051-BEC **Doctor:** Dillon, William DDS**Start:** 10/07/19 **Exp:** 10/21/19**Pharmacy Dispensings:** 480 ML in 352 days

Chlorhexidine Gluc Oral Soln 0.12% (Non-Alcohol)

Swish 15ml by mouth for 30 seconds then spit out - Use twice daily for 14 days

**Rx#:** 224283-BEC **Doctor:** Dillon, William DDS

Complex: BEC--BECKLEY FCI	Begin Date: 09/23/2019	End Date: 09/23/2020
Inmate: SMITH, ERVIN BERONCO	Reg #: 30358-039	Quarter: A01-118U

**Active Prescriptions**

**Start:** 12/17/19      **Exp:** 12/31/19      **Pharmacy Dispensings:** 480 ML in 281 days

Chlorhexidine Gluc Oral Soln 0.12% (Non-Alcohol)

Swish 15ml by mouth for 30 seconds then spit out - Use twice daily for 14 days

**Rx#:** 228116-BEC      **Doctor:** Dillon, William DDS

**Start:** 04/03/20      **Exp:** 04/17/20      **Pharmacy Dispensings:** 473 ML in 173 days

Chlorhexidine Gluc Oral Soln 0.12% (Non-Alcohol)

Swish 15ml for 30 seconds and spit out - use two times a day for 14 days

**Rx#:** 232251-BEC      **Doctor:** Dillon, William DDS

**Start:** 08/11/20      **Exp:** 08/25/20      **Pharmacy Dispensings:** 473 ML in 43 days

Citrate Of Magnesia 296 ML Bottle

Drink 296ml by mouth each day for 1 day

**Rx#:** 224608-BEC      **Doctor:** McLain, Dominick DO, CD

**Start:** 12/31/19      **Exp:** 01/01/20      **Pharmacy Dispensings:** 296 ML in 267 days

glipiZIDE 5 MG TAB

Take two tablets (10 MG) by mouth each day

**Rx#:** 222186-BEC      **Doctor:** McLain, Dominick DO, CD

**Start:** 10/09/19      **Exp:** 04/06/20      **D/C:** 12/31/19      **Pharmacy Dispensings:** 180 TAB in 350 days

glipiZIDE 5 MG TAB

Take three tablets (15 MG) by mouth each day \*\*NEW DOSE as of 12/31/19\*\*

**Rx#:** 224609-BEC      **Doctor:** McLain, Dominick DO, CD

**Start:** 12/31/19      **Exp:** 06/28/20      **D/C:** 06/11/20      **Pharmacy Dispensings:** 450 TAB in 267 days

glipiZIDE 5 MG TAB

Take two tablets (10 MG) by mouth each day "new dose as of 6/11/20"

**Rx#:** 230100-BEC      **Doctor:** Hodovan, Adam FNP

**Start:** 06/11/20      **Exp:** 12/08/20      **D/C:** 06/25/20      **Pharmacy Dispensings:** 60 TAB in 104 days

glipiZIDE 5 MG TAB

Take two tablets (10 MG) by mouth each day

**Rx#:** 230694-BEC      **Doctor:** Hodovan, Adam FNP

**Start:** 06/25/20      **Exp:** 12/22/20      **D/C:** 07/01/20      **Pharmacy Dispensings:** 0 TAB in 90 days

glipiZIDE 5 MG TAB

Take two tablets (10 MG) by mouth each day

**Rx#:** 230925-BEC      **Doctor:** Hodovan, Adam FNP

**Start:** 07/01/20      **Exp:** 12/28/20      **Pharmacy Dispensings:** 180 TAB in 84 days

hydroCHLORothiazide 25 MG Tab

Complex: BEC--BECKLEY FCI  
Inmate: SMITH, ERVIN BERONCO

Begin Date: 09/23/2019  
Reg #: 30358-039

End Date: 09/23/2020  
Quarter: A01-118U

### Active Prescriptions

Take one-half (1/2) tablet (12.5 MG) by mouth each morning

**Rx#:** 232354-BEC **Doctor:** Hodovan, Adam FNP

**Start:** 08/13/20 **Exp:** 09/12/20

**Pharmacy Dispensings:** 15 TAB in 41 days

Ibuprofen 800 MG Tab UD

Take one tablet (800 MG) by mouth with food three times daily

**Rx#:** 221602-BEC **Doctor:** Dillon, William DDS

**Start:** 10/07/19 **Exp:** 10/10/19

**Pharmacy Dispensings:** 10 TAB in 352 days

Lisinopril 5 MG Tab

Take one tablet (5 MG) by mouth each day

**Rx#:** 224610-BEC **Doctor:** McLain, Dominick DO, CD

**Start:** 12/31/19 **Exp:** 06/28/20 **D/C:** 05/27/20

**Pharmacy Dispensings:** 180 TAB in 267 days

Lisinopril 5 MG Tab

Take one tablet (5 MG) by mouth each day

**Rx#:** 229639-BEC **Doctor:** Edwards, Roger DO

**Start:** 05/27/20 **Exp:** 11/23/20 **D/C:** 06/25/20

**Pharmacy Dispensings:** 90 TAB in 119 days

Lisinopril 10 MG Tab

Take one tablet (10 MG) by mouth each day \*\*NEW DOSE as of 06/25/20\*\*

**Rx#:** 230695-BEC **Doctor:** Hodovan, Adam FNP

**Start:** 06/25/20 **Exp:** 09/23/20 **D/C:** 07/01/20

**Pharmacy Dispensings:** 0 TAB in 90 days

Lisinopril 10 MG Tab

Take one tablet (10 MG) by mouth each day

**Rx#:** 230926-BEC **Doctor:** Hodovan, Adam FNP

**Start:** 07/01/20 **Exp:** 09/29/20 **D/C:** 07/21/20

**Pharmacy Dispensings:** 0 TAB in 84 days

Lisinopril 20 MG Tab

Take one tablet (20 MG) by mouth each day \*\*NEW DOSE as of 07/22/20\*\*

**Rx#:** 231488-BEC **Doctor:** Hodovan, Adam FNP

**Start:** 07/21/20 **Exp:** 01/17/21

**Pharmacy Dispensings:** 90 TAB in 64 days

metFORMIN HCl 1000 MG Tab

Take one tablet (1000 MG) by mouth twice daily \*\*NEW DOSE as of 06/12/19\*\*

**Rx#:** 217670-BEC **Doctor:** McLain, Dominick DO, CD

**Start:** 06/12/19 **Exp:** 12/09/19 **D/C:** 10/09/19

**Pharmacy Dispensings:** 60 TAB in 469 days

Neomycin/Poly B/Dexameth Ophth Oint 3.5 GM GM

Place 1/2 inch strip into the right eye once in the morning and before bedtime for 10 days

**Rx#:** 226610-BEC **Doctor:** Carpenter, D. Scott

**Start:** 02/24/20 **Exp:** 03/05/20

**Pharmacy Dispensings:** 3.5 GM in 212 days



Complex: BEC--BECKLEY FCI  
Inmate: SMITH, ERVIN BERONCO

Begin Date: 09/23/2019  
Reg #: 30358-039

End Date: 09/23/2020  
Quarter: A01-118U

### Active Prescriptions

Ofloxacin Ophthalmic Solution 0.3% 10 ML

Place 1 drop into right eye four times daily for 7 days

**Rx#:** 226801-BEC **Doctor:** Carpenter, D. Scott

**Start:** 02/26/20 **Exp:** 03/04/20

**Pharmacy Dispensings:** 10 ml in 210 days

Omeprazole 20 MG Cap

Take one capsule (20 MG) by mouth each day

**Rx#:** 219689-BEC **Doctor:** Goode, Amy PA-C

**Start:** 08/06/19 **Exp:** 10/05/19

**Pharmacy Dispensings:** 30 CAP in 414 days

Omeprazole 20 MG Cap

Take one capsule (20 MG) by mouth each day

**Rx#:** 222187-BEC **Doctor:** McLain, Dominick DO, CD

**Start:** 10/09/19 **Exp:** 04/06/20 **D/C:** 11/12/19

**Pharmacy Dispensings:** 30 CAP in 350 days

Omeprazole 20 MG Cap

Take two capsules (40 MG) by mouth each day

**Rx#:** 223261-BEC **Doctor:** Vest, S. FNP

**Start:** 11/12/19 **Exp:** 05/10/20 **D/C:** 12/31/19

**Pharmacy Dispensings:** 120 CAP in 316 days

Omeprazole 20 MG Cap

Take two capsules (40 MG) by mouth each day

**Rx#:** 224611-BEC **Doctor:** McLain, Dominick DO, CD

**Start:** 12/31/19 **Exp:** 06/28/20 **D/C:** 05/27/20

**Pharmacy Dispensings:** 240 CAP in 267 days

Omeprazole 20 MG Cap

Take two capsules (40 MG) by mouth each day

**Rx#:** 229640-BEC **Doctor:** Edwards, Roger DO

**Start:** 05/27/20 **Exp:** 11/23/20 **D/C:** 06/25/20

**Pharmacy Dispensings:** 0 CAP in 119 days

Omeprazole 20 MG Cap

Take two capsules (40 MG) by mouth each day

**Rx#:** 230696-BEC **Doctor:** Hodovan, Adam FNP

**Start:** 06/25/20 **Exp:** 12/22/20 **D/C:** 07/01/20

**Pharmacy Dispensings:** 60 CAP in 90 days

Omeprazole 20 MG Cap

Take two capsules (40 MG) by mouth each day

**Rx#:** 230927-BEC **Doctor:** Hodovan, Adam FNP

**Start:** 07/01/20 **Exp:** 12/28/20 **D/C:** 08/31/20

**Pharmacy Dispensings:** 60 CAP in 84 days

Omeprazole 20 MG Cap

Take two capsules (40 MG) by mouth each day

**Rx#:** 232913-BEC **Doctor:** Hodovan, Adam FNP

Complex: BEC--BECKLEY FCI  
Inmate: SMITH, ERVIN BERONCO

Begin Date: 09/23/2019  
Reg #: 30358-039

End Date: 09/23/2020  
Quarter: A01-118U

### Active Prescriptions

**Start:** 08/31/20 **Exp:** 02/27/21

**Pharmacy Dispensings:** 60 CAP in 23 days

prednisoLONE Ace. Ophth Susp 1%, 5 ml  
shake well and place 1 drop into right eye four times daily for 7 days

**Rx#:** 226802-BEC **Doctor:** Carpenter, D. Scott

**Start:** 02/26/20 **Exp:** 03/04/20

**Pharmacy Dispensings:** 5 ML in 210 days

Penicillin VK 250 MG Tab  
DENTAL STOCK - Take two tablets (500 MG) by mouth four times daily

Lot-PE2517017-C  
Exp-09/20

**Rx#:** 224020-BEC **Doctor:** Dillon, William DDS

**Start:** 12/17/19 **Exp:** 12/24/19

**Pharmacy Dispensings:** 56 TAB in 281 days

Penicillin VK 250 MG Tab  
Take two tablets (500 MG) by mouth four times daily for 7 days

**Rx#:** 228953-BEC **Doctor:** Dillon, William DDS

**Start:** 05/01/20 **Exp:** 05/08/20

**Pharmacy Dispensings:** 56 TAB in 145 days

Sulfamethoxazole/Trimeth 800mg /160mg tab  
URGENT CARE STOCK - Take one tablet by mouth twice daily

lot#25837  
Exp12/21

**Rx#:** 232664-BEC **Doctor:** Bradley, Rickey DO

**Start:** 09/14/20 **Exp:** 09/17/20

**Pharmacy Dispensings:** 6 TAB in 9 days

Sulfamethoxazole/Trimeth 800mg /160mg tab  
Take one tablet by mouth twice daily for 11 days

**Rx#:** 233320-BEC **Doctor:** Bradley, Rickey DO

**Start:** 09/14/20 **Exp:** 09/25/20

**Pharmacy Dispensings:** 22 TAB in 9 days

Tobramycin Sulfate Ophth 0.3%, 5 ML Soln  
Place 2 drops into each eye every four hours while awake for 7 days

**Rx#:** 225962-BEC **Doctor:** Hutchison, David PA-C

**Start:** 02/04/20 **Exp:** 02/11/20

**Pharmacy Dispensings:** 5 ML in 232 days

### Active OTC

<u>Medication</u>	<u>OTC Source</u>	<u>Start Date</u>	<u>Stop Date</u>
Tolnaftate Cream 1% (OTC) 30 GM	Indigent	10/09/2019	11/09/2019 23:59

**Order Details:** uad

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Complex: BEC--BECKLEY FCI

Begin Date: 09/23/2019

End Date: 09/23/2020

Inmate: SMITH, ERVIN BERONCO

Reg #: 30358-039

Quarter: A01-118U

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# Individualized Reentry Plan - Program Review (Inmate Copy)

SEQUENCE: 01056011

Dept. of Justice / Federal Bureau of Prisons

Team Date: 07-06-2020

Plan is for inmate: SMITH, ERVIN BERONCO 30358-039

Facility: BEC BECKLEY FCI  
 Name: SMITH, ERVIN BERONCO  
 Register No.: 30358-039  
 Age: 47  
 Date of Birth: 02-03-1973

Proj. Rel. Date: 12-21-2022  
 Proj. Rel. Mthd: 3621E COND  
 DNA Status: MIL07120 / 08-28-2015

## Detainers

Detaining Agency	Remarks
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NO DETAINER

## Current Work Assignments

Fac	Assignment	Description	Start
BEC	CHAPEL	FCI CHAPEL	03-16-2020

## Current Education Information

Fac	Assignment	Description	Start
BEC	ESL HAS	ENGLISH PROFICIENT	01-15-2003
BEC	GED EN	ENROLL GED NON-PROMOTABLE	01-15-2003

## Education Courses

SubFac	Action	Description	Start	Stop
BEC	C	RPP 2 EMPLOYMENT SKILLS	04-20-2020	04-20-2020
BEC	C	RPP 1 HEALTH AND NUTRITION	04-20-2020	04-20-2020
BEC	C	RPP 1 DISEASE PREVENTION	04-20-2020	04-20-2020
BEC	C	RPP 4 HALFWAY HOUSE REGS	04-20-2020	04-20-2020
BEC	C	RPP 6 COPING SKILLS	04-20-2020	04-20-2020
BEC	C	RPP 3 PERSONAL BUDGETING	04-20-2020	04-20-2020
BEC	C	RPP 3 CHECKING AND SAVINGS	04-20-2020	04-20-2020
BEC	C	RPP 4 US PROBATION	04-20-2020	04-20-2020
BEC	C	RPP 5 RELEASE METHODS	04-20-2020	04-20-2020
BEC	C	ACE COMMERCIAL DRIVING LICENS	10-16-2019	11-19-2019
MCK	W	GED, CLASSROOM 6, 1400-1530	04-16-2018	01-17-2019
MCK	C	PRO START CULINARY LEVEL 1	07-09-2018	12-21-2018
MCK	C	SERVS SAFE (CUL) 7:00-10:00 M-F	05-01-2018	07-06-2018
MCK	C	CULINARY MATH	02-27-2018	05-15-2018
MCK	C	RPP(5)TRANSITION/REENTRY WKSH	02-06-2018	02-06-2018

## Discipline History (Last 6 months)

Hearing Date	Prohibited Acts
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\*\* NO INCIDENT REPORTS FOUND IN LAST 6 MONTHS \*\*

## Current Care Assignments

Assignment	Description	Start
CARE1-MH	CARE1-MENTAL HEALTH	02-05-2018
CARE2	STABLE, CHRONIC CARE	09-17-2018

## Current Medical Duty Status Assignments

Assignment	Description	Start
NO PAPER	NO PAPER MEDICAL RECORD	08-28-2015
REG DUTY	NO MEDICAL RESTR--REGULAR DUTY	02-06-2018
YES F/S	CLEARED FOR FOOD SERVICE	02-06-2018

## Current Drug Assignments

Assignment	Description	Start
DAP PART	RESIDENT DRUG TRMT PARTICIPANT	07-11-2019
ED COMP	DRUG EDUCATION COMPLETE	03-27-2019
ELIGIBLE	18 USC 3621 RELEASE ELIGIBLE	04-25-2019

## FRP Details



# Individualized Reentry Plan - Program Review (Inmate Copy)

Dept. of Justice / Federal Bureau of Prisons

Plan is for inmate: SMITH, ERVIN BERONCO 30358-039

SEQUENCE: 01056011

Team Date: 07-06-2020

## Most Recent Payment Plan

FRP Assignment: **COMPLT** **FINANC RESP-COMPLETED** Start: **11-29-2018**Inmate Decision: **AGREED** **\$25.00** Frequency: **MONTHLY**Payments past 6 months: **\$0.00** Obligation Balance: **\$0.00**

### Financial Obligations

No.	Type	Amount	Balance	Payable	Status
1	ASSMT	\$100.00	\$0.00	IMMEDIATE	COMPLETEDZ
** NO ADJUSTMENTS MADE IN LAST 6 MONTHS **					
2	ASSMT	\$200.00	\$0.00	IMMEDIATE	COMPLETEDZ
** NO ADJUSTMENTS MADE IN LAST 6 MONTHS **					

### Payment Details

Trust Fund Deposits - Past 6 months: \$0.00

Payments commensurate ? N/A

New Payment Plan:

\*\* No data \*\*

## Progress since last review

INSTITUTION LOCKDOWN FOR COVID-19 ACTION PLAN:

RDAP treatment currently interrupted due to modified operations. Completion date will be reviewed upon return to normal operations.

## Next Program Review Goals

Obtain birth certificate.

Attend GED classes once Education resumes normal.

## Long Term Goals

Complete RDAP by 2/2021.

## RRC/HC Placement

## Comments

Nothing pending. Eligible for early release.



**Individualized Reentry Plan - Program Review (Inmate Copy)**

Dept. of Justice / Federal Bureau of Prisons

Plan is for inmate: SMITH, ERVIN BERONCO 30358-039

SEQUENCE: 01056011

Team Date: 07-06-2020

Name: SMITH, ERVIN BERONCO  
Register No.: 30358-039  
Age: 47  
Date of Birth: 02-03-1973

DNA Status: MIL07120 / 08-28-2015

Inmate (SMITH, ERVIN BERONCO. Register No.: 30358-039)

Date

Unit Manager / Chairperson

Case Manager

Date

Date



*Inmate Copy*

RIS Request No.:

Inmate Name: **Smith, Ervin Beronco**

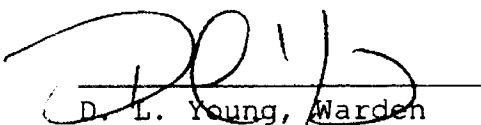
Register No.: **30358-039**

This is in response to your Inmate Request to Staff Member, received on October 26, 2020, in which you request consideration for a reduction in sentence (RIS) based on concerns about your current health status. Specifically, you are requesting consideration due to Extraordinary or Compelling Circumstances.

Title 18 of the United States Code, section 3582(c)(1)(A), allows a sentencing court, on motion of the Director of the BOP, to reduce a term of imprisonment for extraordinary or compelling reasons. BOP Program Statement No. 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), provides guidance on the types of circumstances that present extraordinary or compelling reasons, such as the inmate's terminal medical condition; debilitated medical condition; status as a "new law" elderly inmate, an elderly inmate with medical conditions, or an "other elderly inmate"; the death or incapacitation of the family member caregiver of the inmate's child; or the incapacitation of the inmate's spouse or registered partner. Your request has been evaluated consistent with this general guidance.

According to your medical evaluation, you do not have a terminal illness, or debilitated medical condition warranting release. The RIS is only considered if you are completely disabled, meaning you cannot carry on any self-care, and are totally confined to a wheelchair, or bed; or capable of only limited self-care and are confined to a bed or chair more than 50% of waking hours. Accordingly, your RIS request is denied at this time.

If you are not satisfied with this response to your request, you may commence an appeal of this decision via the administrative remedy process by submitting your concerns on the appropriate form (BP-9) within 20 days of the receipt of this response.

  
D. L. Young, Warden

11/5/2020  
Date

BP-S148.055 INMATE REQUEST TO STAFF CDFRM  
SEP 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member). WARDEN FCI Beckley ADMINISTRATIVE BENDY	DATE: October 14, 2020
FROM: EAVIN B. Smith	REGISTER NO.: 30358-039
WORK ASSIGNMENT: Chapel	UNIT: PINE A UPPER C-317 UPPER

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.) COMPASSIONATE RELEASE / REDUCTION IN SENTENCE PURSUANT TO 28 C.F.R. 571.61

I AM submitting the following Request to the Warden of F.C.I Beckley Federal Beckley Correctional Institution (BCI) file A Motion for A Reduction in My Sentence with The Honorable Arthur J. Tarnow for The Eastern District of Michigan. My Request is Based on My Physical and Medical Conditions. The Deterioration in My Health My diminished Ability to care for myself in Prison and the time I have already served in custody. Given these factors I qualify for "COMPASSIONATE RELEASE" under the EXTRAORDINARY AND COMPELLING PERSON" STANDARD PROVIDED BY U.S.S.G 1B1.13 AND IN B.O.P Program Statement 5050.50 COMPASSIONATE RELEASE / REDUCTION IN SENTENCE; PROCEDURES RE IMPROVEMENT - TARIFF OF 18 U.S.C. 3582 AND 4205 (c) (Published January 17, 2019) My Request is also supported by the factors listed in 18 U.S.C. 3553(c) and the criteria enumerated in Section 7 of the Program Statement.

(Do not write below this line)

DISPOSITION:

RECEIVED  
R10/24/2020

Signature Staff Member	Date
------------------------	------

Record Copy - File; Copy - Inmate  
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86  
and BP-S148.070 APR 94



EARIN B. Smith 30358039  
FEDERAL CORRECTIONAL INSTITUTION Beckley  
P.O. Box 350  
BEAVER WEST VIRGINIA 25813-0350



1000



48226



11/13/20

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
ATTN: CLERK OF ARTHUR J. TARNOW JUDGE.  
THEODORE LEVIN U.S. COURTHOUSE  
231 WEST LAFAYETTE BLVD -  
DETROIT, MICHIGAN 48226

11/13/20